

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

IN RE THE APPLICATION OF
DREYMOOR FERTILIZERS PTE LTD

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782

CASE NO. 1:20-mc-00192(PGG)

**DECLARATION OF PATRICK SALISBURY IN SUPPORT OF EX PARTE
APPLICATION FOR SUPPLEMENTAL DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

I, PATRICK SALISBURY, hereby declare as follows:

1. I am one of the attorneys of record for Plaintiffs in this action. The facts stated in this declaration are known to me personally, and I could testify to them if called as a witness.

This declaration is submitted in support of Applicant Drey Moor Fertilizers Pte Ltd.'s *ex parte* Application for Supplemental Discovery Pursuant to 28 U.S.C. § 1782.

2. This *ex parte* application is simply a supplemental application to the previous application for discovery pursuant to 28 U.S.C. § 1782 filed on April 14, 2020 (the "April 2020 Application") which was granted by order of this Court on May 18, 2020 (the "Previous Order").

3. By this supplemental application, Drey Moor seeks to identify further payments sent or received by newly identified individuals or entities, as well as payments from an additional one year earlier time period, based on the discovery obtained from the Previous Order. That previous discovery appears to show that a \$100,000 payment made in early 2017 by Anna Mikhailova and/or her entities to an entity controlled by an individual affiliated with Applicant, and there appears to be no proper basis for this payment. The previous discovery also shows that

payments appear to have been made to third parties at the same time that the debts were owed to Applicant.

4. Thus, the discovery sought here will assist in identifying the basis of those various payments starting in 2016, and the parties to those payments, and will assist in allowing further tracing of the proceeds of any of those payments to currently unknown third parties, and/or will assist in the tracing of assets that may have been fraudulently conveyed to unknown third parties to impede, hinder or delay Drey Moor's collection of the Award.

5. Applicant here seeks discovery from banks located in this District which were reasonably likely to have been used as a direct transfer or an intermediary bank by AVAgro LTD., Jennius Enterprises LLC, Dmitry Shimanovich, Jeanette Shimanovich, Giedre Vosyliene, Anna Alexandra Adams (a/k/a Anna Mikhailova), UAB AVAgro, and AVAgro LLC. Those direct transfer and/or intermediary banks are H.S.B.C. Bank U.S.A., N.A.; Bank of New York Mellon; JPMorgan Chase Bank, N.A.; Citibank N.A.; Deutsche Bank; Wells Fargo Bank, N.A.; Commerzbank AG; Bank of America, N.A.; and Merrill Lynch (collectively "the Banks").

6. The discovery sought from the Banks here should provide the details of the payments made to any unknown third parties by AVAgro LTD., Jennius Enterprises LLC, Dmitry Shimanovich, Jeanette Shimanovich, Giedre Vosyliene, Anna Alexandra Adams (a/k/a Anna Mikhailova), UAB AVAgro, and AVAgro LLC, as well as payments in 2016, and will allow Drey Moor to locate any assets, including bank accounts held by any third parties, and bring legal actions necessary to recover any fraudulently conveyed assets.

7. Attached hereto as Exhibit 1 is a proposed subpoena seeking the production of documents from certain intermediary and/or direct transfer banks located in this district.

I affirm, under the penalties of perjury, that the foregoing representations are true.

Executed on this 22nd day of September, 2020 in Miami, Florida.

By: /s/Patrick Salisbury

PATRICK SALISBURY